

ATTACHMENT

APPLICATION TO APPROPRIATE WATER BY BUENA VISTA WATER STORAGE DISTRICT

SECTION A: NOTICE INFORMATION

A.2. OWNERSHIP INFORMATION

Buena Vista is a California water storage district formed and existing pursuant to California Water Code section 39000, et seq., and located within the county of Kern, State of California.

A.3. PROJECT DESCRIPTION

Buena Vista's existing project consists of the continued implementation of the "1926 District Plan" approved by the State Engineer and set forth in the "Report of the Board of Directors of Buena Vista Water Storage District Report to Honorable Edward Hyatt, Jr. State Engineer Upon District Plan" dated September 1926, as amended and supplemented. Implementation of the project includes Buena Vista's continued diversion, storage and reasonable and beneficial use of up to an annual total of 700,000 acre-feet of Kern River water accruing to existing riparian and/or pre-1914 appropriative rights in accordance with and as more specifically provided in the Miller-Haggin Agreement of 1888, as amended (attached as Exhibit A to the petition). Buena Vista diverts and stores Kern River water in Lake Isabella and then uses the water principally for irrigation and replenishment of the underlying groundwater basin through developed spreading areas and canals located within and without Buena Vista. Water in the underlying groundwater basin is subsequently extracted by Buena Vista and by landowners within the boundaries of Buena Vista.

The points of diversion and other facilities used by Buena Vista to divert, store, transport and use Kern River water are more particularly described in Sections A.5. & B.2. a-d of the Application, including the attached Underground Storage Supplement (form APP-UGSTOR), and are generally shown on Maps 1, 2, and 3 attached.

This Application is to appropriate water to supplement the existing water rights and water supplies available to Buena Vista's project (see Application, Sections A.6.d & B.5.). The quantity of Kern River water included in the Application may be supplied by exercise of applicant's existing Kern River water rights and any amount allowed under permit should exclude the amount of water available under such existing Kern River water rights. The additional Kern River water supplies for direct diversion and storage are necessary to meet the existing and future water demands of Buena Vista. The water will be used as

described in Section A.7. of the Application and as shown in Maps 1, 2, and 3 attached, and for the purposes identified in Sections A.4.a and B.1. of the Application.

The project will use Buena Vista's existing points of diversion and other facilities including Lake Isabella and the spreading areas more particularly described in Table 1 to the attached Underground Storage Supplement (form APP-UGSTOR) and shown in Maps 1, 2, and 3 attached. No construction activity is necessary or expected.

A.4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

- a. Buena Vista diverts, stores, and uses Kern River water principally for irrigation and replenishment of the underlying groundwater basin. Water in the underlying ground water basin is subsequently extracted and used by Buena Vista and by landowners within Buena Vista. Buena Vista's project, to continuously maintain groundwater levels within reasonable and economic limits through groundwater replenishment, is more particularly described in the report for the 1926 Project referred in Section A.3. above as amended and supplemented.

The total combined amount for direct diversion and storage during any one year will be up to 700,000 acre-feet. Because Lake Isabella lies upstream of Buena Vista, all of the District's diversions (other than accretions below Lake Isabella) are routed through storage in Isabella Lake. Buena Vista is roughly entitled to one-third of the available storage space in Isabella Lake. The maximum available storage space in Isabella Lake reservoir is about 568,100 acre-feet (less the County of Kern recreational pool of 30,000 acre-feet).

The diversion season is from January 1 through December 31, with the peak being June through August. The storage season is from January 1 through December 31.

Buena Vista delivers Kern River water to farms for irrigation use within its boundaries, consisting of about 50,000 irrigation acres, through a system of largely unlined earthen canals. The amount of water needed to irrigate crops in Buena Vista can be as much as 180,000 acre-feet annually. Existing crops largely include: cotton, pistachios, corn, sugar beets, tomatoes, onions, alfalfa, grain, and wetlands.

Buena Vista uses various developed spreading areas in and adjacent to the District as well as higher on the Kern River Fan (KCWA Pioneer Project, COB 2800 Acre Project, Kern Water Bank, Buena Vista/West Kern Project), the District's Outlet Canal, the Main Canal and portions of the Kern River Flood Channel, as well as its own canal system, to percolate and store water in the underlying groundwater basin for replenishment purposes. These spreading areas can be used by Buena Vista to store up to approximately 410,000 acre-feet annually in the underlying groundwater basin.

Buena Vista also possesses certain off-stream surface storage rights in Cells 1 and 2 of the historic Buena Vista Lake, where up to 53,000 acre-feet can be spread for groundwater replenishment and/or temporarily stored for future surface delivery.

- e. Applicants' understanding is that, in lieu of APNs, it is sufficient to identify the exterior boundaries of the place of use where, as here, it covers an extremely large area. The townships, ranges and sections corresponding to the places of use, diversion and storage are included in Maps 1, 2, and 3. APNs, however, can be provided upon request if necessary or required.

A.6. WATER AVAILABILITY

- a. As indicated in the accompanying Petition, recent court decisions have declared a partial forfeiture due to non-use of certain Kern River Rights actually or potentially senior to the Buena Vista rights. Applicant does not concede that such forfeiture has resulted in "unappropriated water" becoming available for appropriation pursuant to this Application. However, the presence of partial forfeiture provides reasonable cause to conduct a hearing on the question of whether the fully appropriated status of the Kern River should be revoked or revised.
- d. Overall, Applicant does not have water in excess of demand. However, from time to time, depending on hydrology, water may be available to Applicant from other sources which include but are not limited to: (1) Kern River water accruing under Buena Vista's existing riparian and/or pre-1914 appropriative rights; (2) State Water Project water available to Buena Vista under its contract with the Kern County Water Agency; (3) Friant-Kern water available to Buena Vista from time to time by agreement with the Bureau of Reclamation; (4) groundwater available to Buena Vista and/or its landowners as overlying users; (5) banked water from these and other supplies previously stored in the groundwater basin for future use; and (6) other supplemental water supplies that may become available from time to time.

A.7. PLACE OF USE

Buena Vista will use existing facilities to divert water from the Kern River, store water in Lake Isabella and transport the water to spreading facilities on the Kern River Fan and to the boundaries of Buena Vista. Buena Vista will use existing water conveyance facilities, canals and spreading areas within and outside its boundaries to meet surface water demands within Buena Vista, to replenish groundwater in the underlying groundwater basin, and to store water for sale to third parties within and without the boundaries of the District. The replenished and/or stored water will be subsequently recovered and beneficially used within or without the boundaries of Buena Vista for irrigation, municipal, domestic, industrial, environmental, and other reasonable, beneficial and

legally permissible purposes. The location of irrigation and storage uses and associated Points of Diversion are shown on Maps 1, 2, and 3.

A.8. PROJECT SCHEDULE

- a.** The project will use existing spreading areas and other facilities. The original points of diversion were constructed in the 1800's by predecessors in interest. Many of Buena Vista's facilities were constructed by the 1950's and updated in the 1970's and 1980's. Lake Isabella Dam and Reservoir were completed by 1954. The project does not require construction of additional facilities.
- b.** Water has been and can be used to the full extent at the present time.

SECTION B: MISCELLANEOUS DIVERSION INFORMATION

B.1. JUSTIFICATION OF AMOUNTS REQUESTED

- a. Irrigation use is discussed in A.3. and A.4.
- l. Surface storage and groundwater replenishment use is discussed in A.3. and A.4.

B.3. CONSERVATION AND MONITORING

- a. Buena Vista developed and implemented a project, some 80 years ago, which is based on the conjunctive use of available Kern River water and groundwater. Through this project, Buena Vista has regulated a highly variable Kern River supply through both surface storage (Lake Isabella and Buena Vista Lake) and underground storage. Buena Vista, one of the earliest formed districts in the state of California, became a conjunctive-use model for others to learn from as they underwent their implementation. Buena Vista principally uses the concrete lined Kern River Canal and Alejandro Canal to divert water from the Kern River near Bakersfield and transport it via the unlined Outlet Canal to Buena Vista's Buttonwillow and Maples irrigation service areas.

The water is measured at the point of diversion from the Kern River and at the point where it enters Buena Vista, and at each point of delivery, whether to irrigation or groundwater replenishment. Regarding irrigation deliveries, there has been a trend, over many years, toward higher valued crops. It is important to note, and is in fact the basis for Buena Vista's project, that all water percolated to the underlying groundwater basin, whether through direct spreading or seepage from canals, is intentionally banked water which is considered recoverable for reasonable and beneficial uses.

Buena Vista has adopted and implemented an Agricultural Water Management Plan pursuant to State statute which encourages its growers to employ best management practices in their agricultural operations. Buena Vista is also a participant in the Southern San Joaquin Valley Water Quality Coalition which engages in the monitoring of discharges to the "waters of the State."

B.5. EXISTING WATER RIGHTS AND RELATED FILINGS

- a./b. Existing Kern River water rights are more particularly described in the Miller-Haggin Agreement of 1888, as amended. The season of use is January 1 through December 31 of each year. Locations of the points of diversion are specified in Section A.5. of this Application and shown on Maps 1, 2 and 3 attached. Kern River water was first used by Buena Vista's predecessors-in-interest in the mid-

1800s for agricultural and other beneficial uses through direct diversion, surface storage and underground storage.

- c. Existing Kern River water rights are riparian and/or pre-1914 appropriative rights and, therefore, not the subject of any permit previously issued by the State Water Resources Control Board. However, such rights were considered in Application 9446 filed by Applicant and others on November 1, 1938, which application was denied by Decision D-1196 (1964) declaring that the Kern River was a fully appropriated stream.

B.6. OTHER SOURCES OF WATER

Buena Vista currently has a contract with the Kern County Water Agency for State Water Project water and a temporary contract with the Bureau of Reclamation for Friant-Kern water.

SECTION C: ENVIRONMENTAL INFORMATION

C.3. ENVIRONMENTAL DOCUMENTS

- d. All project facilities were complete several years before enactment of the California Environmental Quality Act (“CEQA”). The project does not involve any construction activity. If not exempt, Buena Vista or another appropriate lead agency under CEQA will prepare the required environmental documents for the Project.

C.6. ENVIRONMENTAL SETTING

See attached photographs labeled C.6. If additional photographs are desired at a specific location, they can be provided upon request.

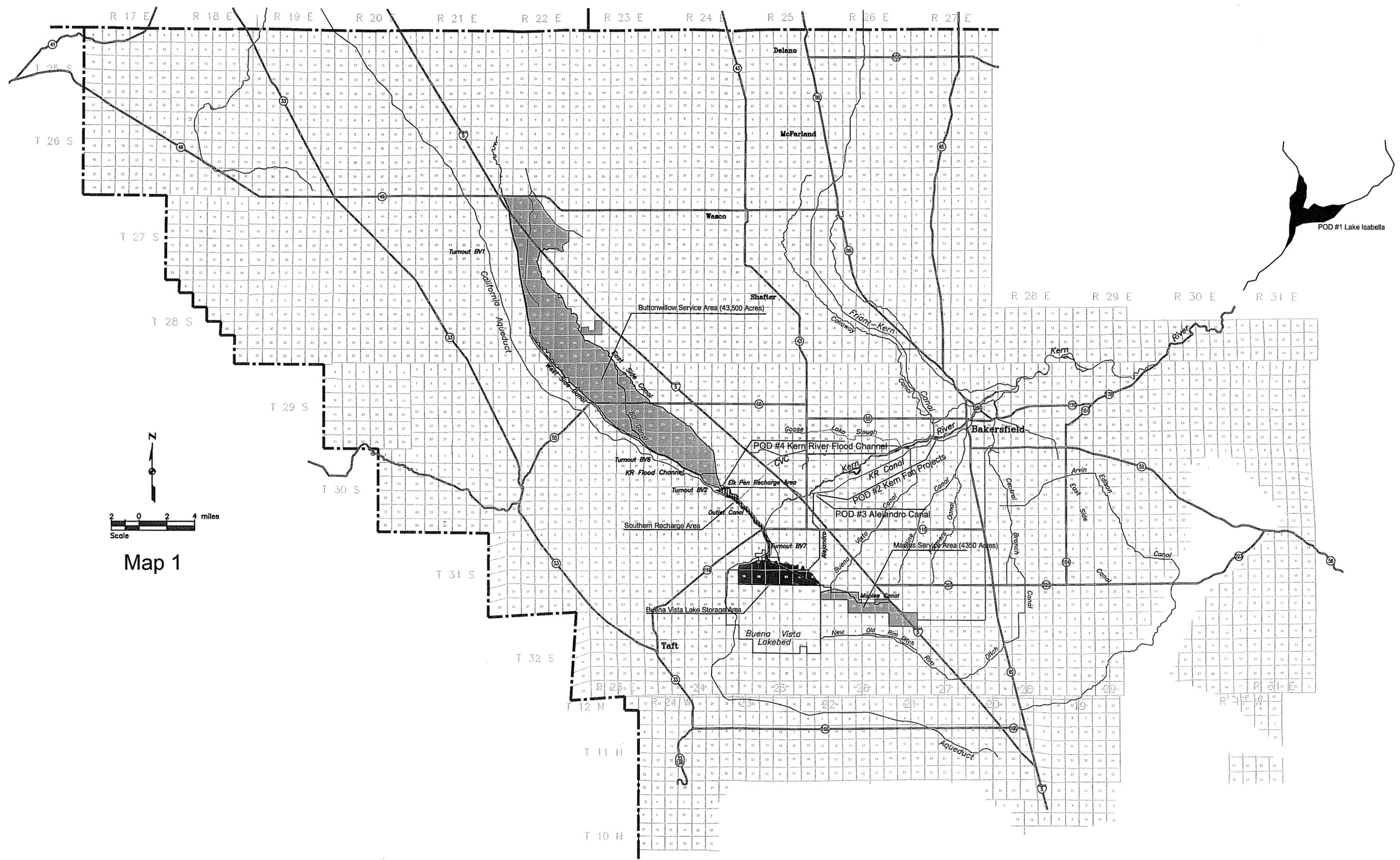
**SUPPLEMENT TO BUENA VISTA WATER STORAGE DISTRICT'S
APPLICATION TO APPROPRIATE KERN RIVER WATER**

POINTS OF DIVERSION

<u>Name</u>	<u>Lat/Long</u>	<u>Point is Within</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Base of Meridian</u>
#1 Lake Isabella	35 deg 38' 35" N 118 deg 28' 53" W	S.E. ¼ of S.W. ¼	19	26S.	33E.	Mount Diablo
#2 River Canal Intake	35 deg 21' 48" N 119 deg 05' 25" W	S.W. ¼ of N.W. ¼	33	29S.	27E.	Mount Diablo
#2 Rosedale Intake	35 deg 21' 13" N 119 deg 07' 48" W	N.E. ¼ of N.E. ¼	1	30S.	26E.	Mount Diablo
#2 2800 Acre McClung Weir	35 deg 19' 56" N 119 deg 11' 00" W	N.E. ¼ of S.E. ¼	9	30S.	26E.	Mount Diablo
#2 Pioneer Inlet (a)	35 deg 20' 42" N 119 deg 08' 41" W	N.W. ¼ of S.W. ¼	10	30S.	26E.	Mount Diablo

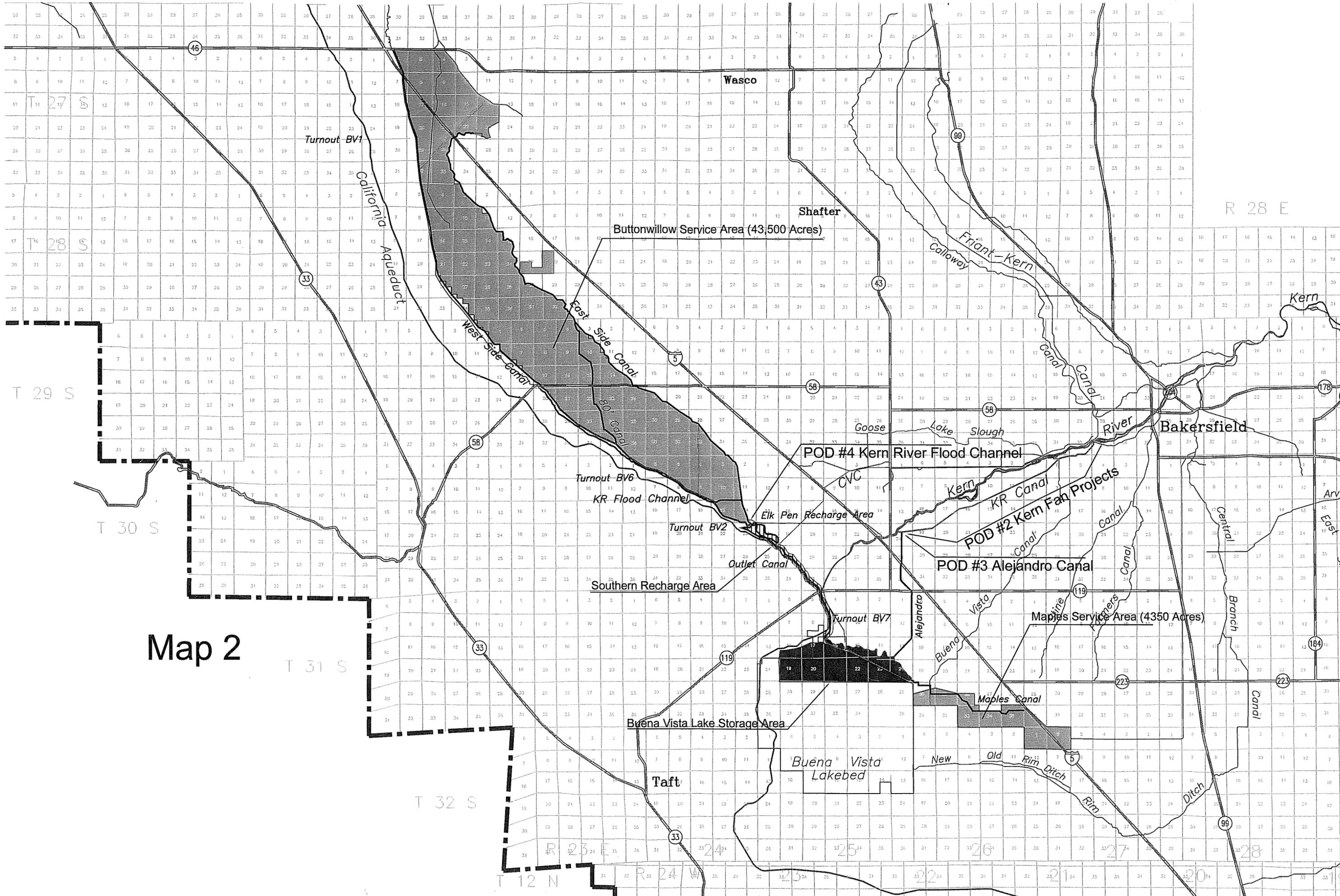
POINTS OF DIVERSION

<u>Name</u>	<u>Lat/Long</u>	<u>Point is Within</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Base of Meridian</u>
#2 Pioneer Inlet (b)	35 deg 19' 57" N 119 deg 10' 38" W	S.W. ¼ of N.W. ¼	10	30S.	26E.	Mount Diablo
#2 Kern River Division Weir KWB Intake	35 deg 18' 20" N 119 deg 14' 49" W	S.E. ¼ of N.W. ¼	24	30S.	25E.	Mount Diablo
#3 Alejandro Canal Intake	35 deg 18' 10" N 119 deg 14' 36" W	S.E. ¼ of N.W. ¼	24	30S.	25E.	Mount Diablo
#4 Kern River Flood Channel/ Eastside Intake	35 deg 18' 47" N 119 deg 21' 56" W	S.W. 1/4 of S.E. ¼	14	30S.	24E.	Mount Diablo



Map 1

11	12	13	14
21	22	23	24



Map 2

Buttonwillow Service Area (43,500 Acres)

POD #4 Kern River Flood Channel

POD #3 Alejandro Canal

Maples Service Area (4350 Acres)

Buena Vista Lake Storage Area

Buena Vista Lakebed

Turnout BV1

Turnout BV6

Turnout BV2

Turnout BV7

KR Flood Channel

Outlet Canal

Elk Pen Recharge Area

80' Canal

East Side Canal

West Side Canal

California Aqueduct

Wasco

Shafter

Bakersfield

Taft

R 28 E

T 27 S

T 28 S

T 29 S

T 30 S

T 31 S

T 32 S

R 23 E

R 24 W

R 25

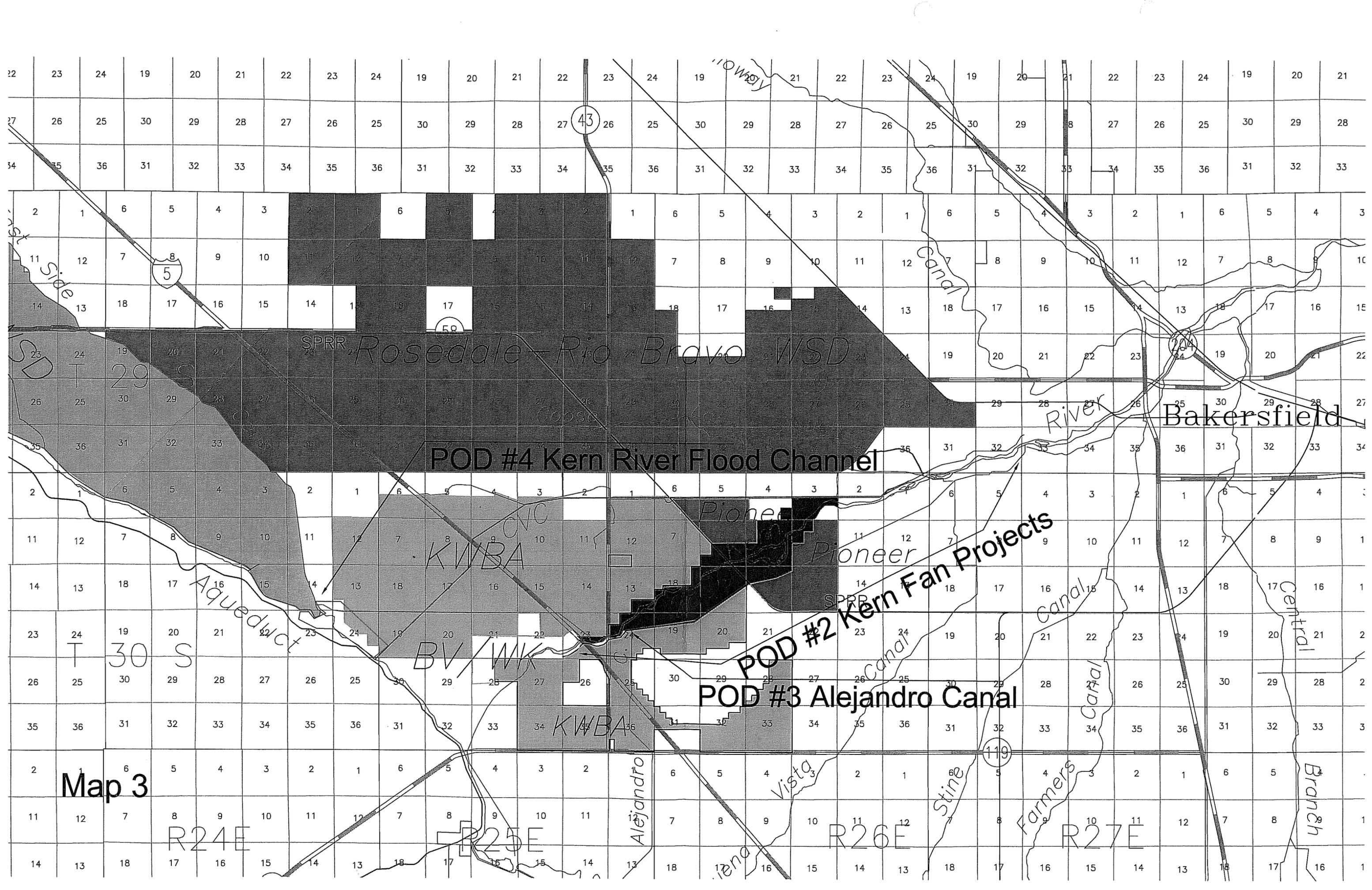
R 26

R 27

R 28

R 29

R 30



Map 3

POD #4 Kern River Flood Channel

POD #3 Alejandro Canal

POD #2 Kern Fan Projects

Bakersfield

R24E

R25E

R26E

R27E